

## REMARKS

Claims 1-39 are pending. Claims 1 and 12 stand rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 5,493,692 to Theimer. Claims 2-7, 10-11, 13-20, 22-29, and 31-38 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 5,493,692 to Theimer in view of U.S. Patent No. 5,327,486 to Wolff. Claims 8-9, 21, 30, and 39 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 5,493,692 to Theimer in view of U.S. Patent No. 5,327,486 to Wolff and U.S. Patent No. 6,092,102 to Wagner.

Reconsideration is requested. No new matter is added. The rejections are traversed. Claims 13, 22, and 31 are amended. Claims 1-39 remain in the case for consideration.

The Examiner is requested to please initial the form PTO-1449 submitted on October 20, 2003, and return it to the Applicant.

## REJECTIONS UNDER 35 U.S.C. § 102(b)

Claim 1 recites a message-processing agent operable in a Scalable Infrastructure system, the message-processing agent comprising: a receiver designed to receive an object from a space in the Scalable Infrastructure system; a default routing identifying a destination for the object; and a routing module designed to route the object to the destination.

In contrast, Theimer teaches a method and system for managing telecommunications. Each device (including users) in Theimer has an associated agent. When a message needs to be sent to a user, the agent managing the device from which the message originates receives the message, locates the user, determines a device in the user's vicinity which meets the requirements to receive the message, and delivers the message to that device's agent. The receiving agent then forwards the message to the device, for presentation to the user.

There are two important features of the invention as claimed that Theimer fails to teach. These are: the space (from which the claimed invention retrieves the message), and the agent itself that performs the retrieval. These points are discussed in turn.

First, the agent in question (named Smart Secretary herein, to more easily distinguish this agent from other agents in the Scalable Infrastructure) retrieves the objects from a space in the Scalable Infrastructure. This is an important point, because in Theimer the messages are passed from agent directly to other agents: Theimer does not disclose any analogue to the space. But the Smart Secretary does not care which device originated the object. The Smart Secretary can process the object regardless of its origins (which is why the Smart Secretary

retrieves the object from the space, and does not receive the object from a device). As claim 1 calls for the receiver to be able to receive the message from the space, this distinguishes the invention as claimed over Theimer.

Second, Theimer has no analogue for the Smart Secretary at all. In Theimer, the message is processed by the agent for the device originating the message. This can be inferred from the discussion at column 24, lines 61-67, where Theimer describes the message as “hav[ing] been obtained from a mail or calendar system *by a server process dedicated to the task of translating the mail or calendar data into messages*” (emphasis added). As FIG. 5 of the patent application shows the agent for the originating device (agent 410) as distinct from the Smart Secretary (agent 220), in the invention the processing is performed by an agent other than the agent for the originating device.

Further analysis of FIG. 5 of the patent application helps to reinforce this point. FIG. 5 shows three agents of significance: the originating agent 410, the receiving agent 450, and the Smart Secretary 220. For Theimer to anticipate the invention, Theimer would have to teach all three agents as separate concepts. While Theimer might teach analogues to the originating and receiving agents, Theimer does not teach any analogue to the Smart Secretary. As the Smart Secretary is the agent being claimed in claim 1, an agent Theimer does not teach, Theimer cannot anticipate claim 1.

#### REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 13 recites a method for using a message-processing agent to process an object in a space in a Scalable Infrastructure system, the method comprising: receiving an object from the space by a Smart Secretary; accessing a preference setting; and routing the object by the Smart Secretary according to the preference setting. Claim 22 is a Beauregard claim paralleling claim 13. Claim 13 is a means-plus-function claim paralleling claim 13.

In contrast, Wolff teaches a method and system for managing telephone calls. A Personal Telephone Manager (PTM) receives a call and determines from whom the call came. The PTM then attempts to locate the called party. If the called party can be located and is willing to take the call, the call is routed to the called party. Otherwise, if the called party is unwilling to take the call or cannot be located, the call is routed to voicemail.

First, as argued above, Theimer does not teach the concept of a space, nor does Theimer teach a Smart Secretary agent. These features were previously implicit in the claims; claims 13, 22, and 31 have now been amended to explicitly mention these features.

As Theimer does not teach these features, for the rejection under 35 U.S.C. § 103(a) to continue to be proper, these features would have to be found in Wolff.

But Wolff, like Theimer, does not teach the concept of a space that can hold objects, nor does Wolff teach an agent in the sense of Theimer, let alone in the sense of the patent application. The closest analog in Wolff to the space of the invention is the local exchange network. But the local exchange network is not a space in which objects can be placed and removed at any time, as in the patent application. As described at column 3, lines 49-50, the PTM has to take calls from the local exchange network. This means (assuming that there is more than one PTM) that the local exchange network is responsible for determining which PTM will process a particular message, and once the PTM receives the call, the PTM must process the call. But in the patent application, the Smart Secretary only receives notice that the object is in the space; the Smart Secretary does not have to retrieve the object if it doesn't want to, or if another Smart Secretary retrieves the object first. *See, e.g.*, claims 14, 23, and 32, which describe the Smart Secretary as receiving notice that the object is in the space. It is important to note that nowhere in the specification or the claims is it stated, or even suggested, that the Smart Secretary *must* retrieve an object from the space upon receiving notice from the space that the object exists.

In addition, Wolff does not teach an agent to perform the routing as claimed. As argued above with reference to claim 1, the Smart Secretary receives the object from the space, the object having been dropped into the space by an agent for the device originating the object. The Smart Secretary is capable of taking any object in the space, or none of them, depending on the circumstances. But, as pointed out above, the PTM of Wolff always has to process the call, because the local exchange network routes the call to the PTM. In other words, because no other PTM will process the call, the one to which it is routed *must* process the call. This means that the PTM is not an agent, such as the Smart Secretary.

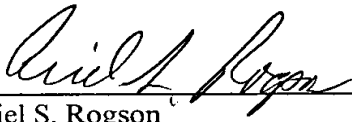
This is important, because the Examiner has argued that Wolff teaches routing the object. But the claim explicitly describes the *Smart Secretary* as routing the object. Since Wolff does not teach an agent to route the call, Wolff cannot teach or suggest the feature of the claims.

Because neither Theimer nor Wolff teach all of the features of claims 13, 22, and 31, claims 13, 22, and 31 are not obvious over Theimer and Wolff. Accordingly, claims 13-39 are allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-39 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
Ariel S. Rogson  
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
503-222-3613  
Customer No. 20575

I HEREBY CERTIFY THAT  
THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE  
UNITED STATES POSTAL  
SERVICE AS FIRST CLASS  
MAIL IN AN ENVELOPE  
ADDRESSED TO:

☐ COMMISSIONER OF PATENTS  
AND TRADEMARKS WASHINGTON  
D.C. 20231

☒ MAIL STOP Nov Fe *Amendment*  
COMMISSIONER FOR PATENTS  
BOX 1450  
ALEXANDRIA, VA 22313-1450

☐ BOX  
COMMISSIONER  
FOR TRADEMARKS 2900 CRYSTAL  
DRIVE ARLINGTON, VA 22202-3513

ON: 26 Jan 2004  
